

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

STATE OF OHIO,  
ex rel DANIEL L. BROWN,

Petitioner, : Case No. 3:06-cv-273

-vs- : District Judge Thomas M. Rose  
Chief Magistrate Judge Michael R. Merz

JUDGE A. J. WAGNER,  
Court of Common Pleas,  
Montgomery County, Ohio,

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #14), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto despite an extension of time for objecting and that the time for filing such objections under Fed. R. Civ. P. 72(b) as extended expired on November 16, 2006, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that this case be, and it hereby is, dismissed without prejudice as moot.

November 21, 2006.

**s/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge